

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 09/385,651
Applicant : Michael Greminger
Filed : August 27, 1999
Title : HEARING AID ADJUSTMENT DEVICE

Conf. No. : 9479
TC/A.U. : 2615
Examiner : Devona Faulk

Docket No. : TSW-31949
Customer No. : 00116

Commissioner for Patents
Alexandria VA 22313-1450

INTERVIEW SUMMARY "H"

Sir:

This paper is filed in response to the telephone interview conducted on May
27, 2008.

Remarks begin on page 2 of this paper.

REMARKS

Applicant would like to thank the Examiner for the personal interview conducted on May 27, 2008. The application has been carefully reviewed in light of the interview, and these remarks are provided in response thereto.

The primary issue discussed during the interview was related to the recitation of both an “audio storage medium play-back unit” and a “storage device”, and whether the specification supported the concept of storing “previously experienced audio track data” in the storage device. It was agreed that applicant’s representative would file an explanation of how the specification supports this language in this Interview Summary.

First, the specification clearly discusses a “play-back unit 9” in a number of places (see page 13 in reference to figure 1). The play-back unit of the example embodiment could be a CD player, for example, as shown in the figure, are used to generate the “audio test signals T3”. In addition, page 14 of the specification discusses the “storage device 50” in reference to figure 2. Thus, the specification clearly supports these two different devices being part of an embodiment of the invention.

Regarding the storing of “previously experienced audio track data”, note the discussion at the top of page 14 of the specification, where it is discussed that both “audio test signals T3 experienced during the in situ tuning procedure” and the “individual assessments experienced” by the individual are “stored in this storage device 50”. This clearly supports the concept that audio track data represented by the audio test signals T3 are stored during the entirety of the test up to the current point, which means that data representing “previously experienced audio track data” is stored.

This paragraph goes on to state that the “tuning procedure experienced *up to that point* is stored in this storage device 50” and that these tuning records are used to “optimally: determine the next test signal to be played. This supports the language the data discussed above is used to select the next track to be played. This interpretation is further supported by the language found at the top of page 15, which states that the “automatic setting off directly of audio test signals *T to be played* after assessment input... with consideration of *already experienced* individual tuning steps”.

In addition, the discussion in the last paragraph on page 4, stating that “it will be possible to undertake automatically and optimally the selection of the next audio test signal to

be presented, according to each assessment—also, if necessary, according to diagnostic data” and the discussion on the top of page 9, where it is discussed that a pattern “which is stored on the test signal/reaction signal sample storage unit is recognized, the corresponding audio storage medium segment, optimal for this sample, will be activated for the generation of the following test signal” support this argument as well.

Accordingly, taken as a whole, the application supports the use of both a “play-back unit” for storing audio tracks used for test signals, and a “storage device” for storing “previously experienced audio track data” are supported by the specification, negating the “written description” rejection.

Finally, it was pointed out to the Examiner that none of the references taught the storing of such “previously experienced audio track data”, and thus the claims were patentable over the cited references.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 31949.

Respectfully submitted,
PEARNE & GORDON LLP

Date: May 29, 2008

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